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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/558,437

06/15/2007

Soung Bong Choi

9988.270.00

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09/23/2009

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EXAMINER

STINSON, FRANKIE L

ART UNIT

PAPER NUMBER

1792

MAIL DATE

DELIVERY MODE

09/23/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/558,437	Applicant(s) CHOI ET AL.	
	Examiner FRANKIE L. STINSON	Art Unit 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/4/09, 4/16/09, 3/31/09, 1/14/09, 7/24/09, 2/16/09.</u> | 6) <input type="checkbox"/> Other: ____. |

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 7, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Snyder et al. (U. S. Pat. No. 2,024,952) or Dantzebecher (U. S. Pat. No. 1,511,661) in view of Rasmussen (U. S. Pat. Pub. No. 2004/0155558), Hasumi (U. S. Pat. Pub. No. 2004/0084985) or Amrhein et al. (U. S. Pat. Pub. No. 2004/0090138).

Re claim 1, 2, 3, 7 and 10, Snyder and Dantzebecher are each cited disclosing a dishwasher comprising:

a tub (12 in Snyder and 2 in Dantzebecher) for placing dishes to be washed therein;

a sump (50 in Snyder and 3 in Dantzebecher) for holding washing water to wash the dishes in the tub; and

a motor (53 in Snyder and 15 in Dantzebecher) having a rotor and a stator for generating pumping force to pump the washing water from the sump to the tub that differs from the claims only in the recitation of the stator of the motor having a concentrated winding, the stator of the motor having a diameter greater than a height of the motor and the motor being of the of the outer rotor type, making the windings shorter. Rasmussen (see [0009]), Hasumi (see [0053]) and Amrhein (see [0008]) are each cited disclosing the concentrated winding, the height and the motor being of the

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outer rotor type as claimed. It therefore would have been obvious to one having ordinary skill in the art, with predictable results, to modify the motor of either Snyder or Dantzebecher, to include be as taught by Rasmussen, Hasumi or Amrhein, with no change in their respective function, since Snyder (page 2, right col. lines 50-55) and Dantzebecher (page 2, line 26-26) each disclose that the motor could be “any” type and since it is old and well known to substitute one equally functioning component for another equally functioning component (see MPEP 2144.06 SUBSTITUTING EQUIVALENTS KNOWN FOR THE SAME PURPOSE). All of the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination, (i.e., the combination of known old elements into a single device) would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Re claim 4, Hasumi disclose the motor as brushless (see [105]).

3. Claims 5, 6, 8, 9, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claims 1, 7 and 10 above, and further in view of Hu (U. S. Pat. No. 7,337,790)

Claims 5, 8 and 11 define over the applied prior art only in the recitation of the heater in the sump. Hu (col. 1, lines 27-32) is cited disclosing that it is old and well known to provide a heater in the sump of a dishwasher. It therefore would have been obvious to one having ordinary skill in the art, with predictable results, to modify the system/arrangement of either Snyder or Dantzebecher, to include a heater as taught by Hu, with no change in their respective function, for the purpose of enhancing the wash

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process. It is understood that the cleaning process is enhanced by the inclusion of heater water to help breakdown grease and in the destruction of food bacteria. All of the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination, (i.e., the combination of known old elements into a single device) would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Re claims 6, 9 and 12, Hu discloses the upper and lower spray as claimed (see claim 1 for example).

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 13, 14 and 17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Brotz (U. S. Pat. No. 1,651,083), Stoddard (U. S. Pat. No. 1,946,181), Stoddard (U. S. Pat. No. 2,002,300) or Dort (U. S. Pat. No. 2,077,098)

Re claim 13 for example, note that Brotz, Stoddard'181, Stoddard'300 and Dort are each cited disclosing a dishwasher comprising:

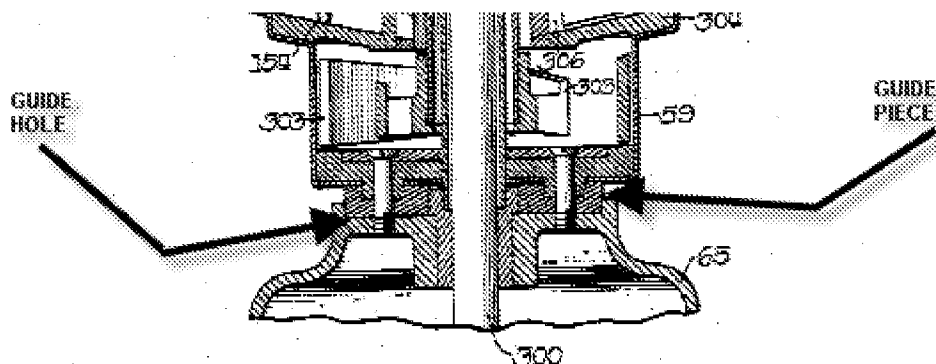
a tub (10 in Brotz, 51 in Stoddard'181, 21 in Stoddard'300 and 1 in Dort) for placing dishes to be washed therein;

a sump (unnumbered in Brotz, 54 in Stoddard'181, 27 in Stoddard'300 and unnumbered in Dort) for holding washing water to wash the dishes in the tub, the sump

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having a shaft hole, and a guide piece (17 in Brotz, see annotated fig. 5 below in Stoddard'181, see 44, in Stoddard'300 and 4 in Dort) projected outward; and

a motor (22 in Brotz, 65 in Stoddard'181, 134 in Stoddard'300 and 5 in Dort) for generating pumping force to pump the washing water from the sump to the tub, the motor having a guide hole (page 1, right col. lines 91-92 in Brotz, see annotated fig. 5 below in Stoddard'181, see 150 in Stoddard'300 and see 8, 9 in Dort) for receiving the guide piece on the sump.



STODDARD'181

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brotz, Stoddard'181, Stoddard'300 and Dort in view of Kaylan et al. (U. S. Pat. No. 7,318,850). Claim 15 defines over the applied prior art only in the recitation of the guide pieces having at least one sloped side surface. Kaylan is cited disclosing a guide piece (46) having at least one sloped side surface as claimed. It therefore would have been obvious to one having ordinary skill in the art, with predictable results, to modify the motor of Brotz, Stoddard'181, Stoddard'300 or Dort, to include the sloped sided guide

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piece as taught by Kaylan, with no change in their respective function, for the purpose of securely supporting the motor. It is old and well known to taper guide pieces for the purpose of allowing easy and quick coupling and uncoupling. All of the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention

7. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brotz, Stoddard'181, Stoddard'300 or Dort in view of Rasmussen (U. S. Pat. Pub. No. 2004/0155558), Hasumi (U. S. Pat. Pub. No. 2004/0084985) or Amrhein et al. (U. S. Pat. Pub. No. 2004/0090138).

Re claim 18-20, Rasmussen, Hasumi and Amrhein are cited as applied above. et al. (U. S. Pat. Pub. No. 2004/0090138).

8. Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In Clark, Germany'383, UK'029, Japan'396, Japan'436, note the motors.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is

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(571) 272-1308. The examiner can normally be reached on M-F from 5:30 am to 2:00 pm and some Saturdays from approximately 5:30 am to 11:30 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr, can be reached on (571) 272-1700. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/FRANKIE L. STINSON/
Primary Examiner, Art Unit 1792